

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SHANNON O. MURPHY,

Plaintiff,

No. C 08-0763 PJH

v.

**ORDER CONTINUING HEARING DATE**

UNITED STATES ARMY NATIONAL  
GUARD, et al.

Defendants.

Plaintiff Shannon O. Murphy filed this action on September 18, 2007, in the Superior Court of California, County of Contra Costa. The address plaintiff provided to the court was General Delivery, El Cerrito, California, 94530. Defendants are the United States Army National Guard (California) and Battery S, 243rd Field Artillery. Plaintiff alleges claims of fraud, kidnapping, discrimination, and child abuse. On January 31, 2008, the United States removed the action.

On February 8, 2008, the United States filed a motion to dismiss for lack of jurisdiction. On February 26, 2008, the case was reassigned to the undersigned judge. On March 4, 2008, the United States re-noticed the motion for hearing on April 23, 2008. On March 5, 2008, and March 14, 2008, mail addressed to plaintiff at the El Cerrito address by the clerk of the court was returned to the court as undeliverable.

On March 28, 2008, the United States filed a certificate of service of all the documents previously served on plaintiff (prior to March 5, 2008), showing service on plaintiff at General Delivery, Berkeley, California, 94704-9999. Plaintiff's opposition to the

1 United States' motion was due on April 2, 2008, but none was filed. The United States'  
2 reply was due on April 9, 2008, but none was filed.

3 Because it does not appear certain to the court that plaintiff was served with the  
4 United States' motion papers and other papers filed in the case, the court ORDERS as  
5 follows:

6 1. The hearing on the United States' motion, previously set for Wednesday, April  
7 23, 2008, is CONTINUED to Wednesday, May 21, 2008.

8 2. Plaintiff's opposition must be filed no later than April 30, 2008. If plaintiff fails  
9 to file an opposition, the court will decide the motion based on the United States' moving  
10 papers only.

11 3. If plaintiff files an opposition, the United States' reply must be filed no later  
12 than May 7, 2008.

13 4. Plaintiff shall advise the court in writing of his correct current address, and  
14 shall serve a notice of change of address on defendants.

15  
16 **IT IS SO ORDERED.**

17 Dated: April 11, 2008



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19 PHYLLIS J. HAMILTON  
20 United States District Judge  
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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

SHANNON O MURPHY,  
Plaintiff,

Case Number: CV08-00763 PJH

**CERTIFICATE OF SERVICE**

v.

US ARMY NATIONAL GUARD et al,  
Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 11, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Shannon O. Murphy  
General Delivery  
El Cerrito, CA 94530

Shannon O. Murphy  
General Delivery  
Berkeley, CA 94704-9999

Dated: April 11, 2008



Richard W. Wieking, Clerk  
By: Nichole Heuerman, Deputy Clerk